

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to driver's license sanctions and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 400, "Vehicle Registration and Certificate of Title," and Chapter 615, "Sanctions," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 261.126 and 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 261.126 as amended by 2019 Iowa Acts, Senate File 304, section 3.

Purpose and Summary

The proposed amendments implement 2019 Iowa Acts, Senate File 304, section 3, which repeals Iowa Code sections 261.121 through 261.127 effective July 1, 2019. Iowa Code section 261.126 authorized the Department to issue a suspension of a person's driver's license or vehicle registration privileges based on receipt of a certificate of noncompliance from the Iowa College Student Aid Commission for delinquent student loans. The Iowa College Student Aid Commission has not exercised the option to trigger a license or vehicle registration suspension for failure to satisfy student debt since 2012. The proposed amendments also remove unnecessary references to 2018 Iowa Acts, House File 2304 and House File 2502.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 17, 2019. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

A public hearing to hear requested oral presentations will be held as follows:

September 19, 2019
10 a.m.

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 400.45(3) as follows:

400.45(3) In accordance with Iowa Code ~~sections~~ [section 252J.8](#) and ~~261.126~~, the department shall suspend or deny the issuance or renewal of registration and plates upon receipt of a certificate of noncompliance from the child support recovery unit ~~or the college student aid commission~~.

a. The suspension or denial shall become effective 30 days after notice to the vehicle owner and continue until the department receives a withdrawal of the certificate of noncompliance from the child support recovery unit ~~or the college student aid commission~~.

b. No change.

ITEM 2. Amend rule ~~761—400.45(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, 252J.9, ~~261.126~~, 321.101, 321.101A and 321.127.

ITEM 3. Amend paragraph ~~615.17(2)~~“e,” introductory paragraph, as follows:

e. The person was convicted of violating Iowa Code section 321.323A ~~as amended by 2018 Iowa Acts, House File 2304, sections 1 to 4~~, or a similar ordinance of any political subdivision. The suspension period shall be:

ITEM 4. Amend rule ~~761—615.17(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.210₂, 321.323A₂, ~~as amended by 2018 Iowa Acts, House File 2304, sections 1 to 4~~; 321.372; and 321.491.

ITEM 5. Rescind and reserve subrule ~~615.24(2)~~.

ITEM 6. Amend rule ~~761—615.24(252J.261)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 252J.1, 252J.8, and 252J.9, ~~261.126 and 261.127~~.

ITEM 7. Amend rule ~~761—615.29(321)~~, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.209₂, 321.212, ~~as amended by 2018 Iowa Acts, House File 2502, section 96~~; 321.261; and 707.6A.

ITEM 8. Amend subrule 615.45(1) as follows:

615.45(1) *Ineligibility.* The department shall not issue a temporary restricted license under Iowa Code section 321.215(1) ~~as amended by 2018 Iowa Acts, House File 2502, section 97,~~ to an applicant:

a. to *j.* No change.

k. ~~Whose license has been suspended due to receipt of a certificate of noncompliance from the college student aid commission.~~ Reserved.

l. and *m.* No change.